

Appl. No. 10/657,881
Amdt. dated December 29, 2005
Reply to Office action of December 02, 2005

REMARKS/ARGUMENTS

Claims 1, 12 to 14, 17 and 18 are in the application.

Claims 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by United States 3,608,795 to Klein (hereafter Klein). Claims 1 and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States 2,590,154 to Burns (hereafter Burns). Claims 9 to 13 stand rejected under 35 U.S.C. 112. Appropriate amendments have been made to overcome the rejections under 35 U.S.C. 112. The rejections under 35 U.S.C. 102 are respectfully traversed.

RESPONSE TO 35 U.S.C 102 REJECTION

Claim 1 stands also rejected under 35 U.S.C. 102(b) as being anticipated by Klein. This rejection is respectfully traversed. The structure of Klein, like that of Powers prohibits the application of fuel container claimed by applicant. There is no teaching showing applicant's fuel bottle support. Klein is directed to a device for holding ski boots. Applicant's device is directed to holding tools and for smaller, radio controlled vehicles. There is no suggestion in Powers, for the application of his carrier to applicant's purpose. In fact, the size of the Klein device renders it impractical to use for applicant's purpose.

Claims 1 and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Burns. This rejection is respectively traversed. The structure of Burns prohibits the application of the fuel container claimed by applicant. There is no teaching showing applicant's fuel bottle support. Burns is directed to a device for holding golf clubs. Applicant's device is directed to holding tools and for smaller, radio controlled vehicles. There is no suggestion in Burns, for the application of his carrier to applicant's purpose. In fact, the size of the Powers device renders it impractical to use for applicant's purpose.

Accordingly, anticipation cannot exist in light of the

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decision rendered in In re Bond, 910 F.2d 831, 15 USPQ2D 1566 (Fed. Cir. 1990).

"For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference. These elements must be arranged as in the claim under review,.....

Additionally, the Examiner's attention is directed to the decision in:

Structural Rubber Prod. Co., v. Park Rubber Co., 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984).

"Anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention. Anticipation is not shown even if the differences between the claims and the prior art references are 'insubstantial' and the missing elements could be supplied by the knowledge of one skilled in the art."

Accordingly, this rejection is respectfully traversed and withdrawal thereof is requested.

RESPONSE TO 35 U.S.C 112 REJECTIONS

Claims 16-18 stand rejected under 35 U.S.C. 112. Appropriate amendments to the claims and specification within the scope of Paragraph 1 of the office section have been made. As such, with the definition of the size of the pads and their respective positioning on the linear alignment support, the appropriate language has been inserted.

CONCLUSION

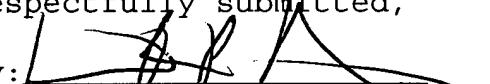
Accordingly, all rejections having been overcome by amendment or traversed by remarks, reconsideration and allowance of the instant application is respectfully requested. Applicant's attorney remains amenable to assisting the Examiner in the allowance of this application.

Applicant respectfully requests that a timely notice be issued in this case.

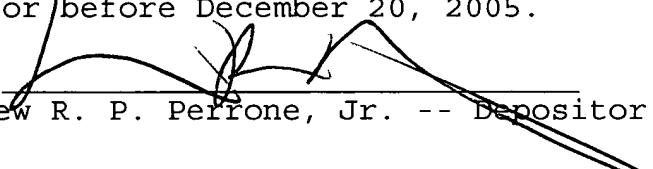
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In the unlikely events that this amendment does not place the application in condition for allowance, and the final rejection is not withdrawn, entry thereof is respectfully requested because it simplifies the issues on appeal.

Applicant's attorney remains amenable to assisting the Examiner in the amount of this application

Respectfully submitted,
By: 
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I hereby certify that this correspondence is being deposited by express mail addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on or before December 20, 2005.


Mathew R. P. Perrone, Jr. -- Depositor

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PRIMARY EXAMINER

Appl. No. : 10/657,881
Applicant : James E. Broberg
Filed : September 8, 2003
Title : Tool Kit For Radio-Controlled Vehicle

TC/A.U. : 3552
Examiner : Dean J. Kramer

Docket No. : Y3.0079

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

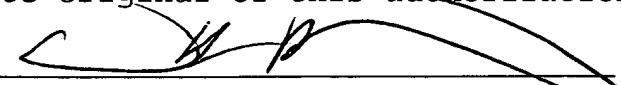
Dear Sir:

DEPOSIT ACCOUNT AUTHORIZATION

No fee is believed due with the enclosed amendment.

Nevertheless, you are hereby authorized to charge any deficiencies in that fee determination to my **deposit account number 16-1375**.

A duplicate original of this authorization is enclosed.


Mathew R. P. Perrone, Jr.

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